IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 18744 of 2007(F)

PETITIONER:

BAHULEYAN CHARITABLE FOUNDATION,
INDO AMERICAN HOSPITAL, BRAIN & SPINE CENTRE,
WARD NO.8, BUILDING NO.287 A, CHEMMANAKARY,
VAIKOM-686 143, REPRESENTED BY ITS
MANAGING DIRECTOR, SRI.XAVIER SEBASTIAN.

BY ADV. SRI.SIBY MATHEW
SRI.A.A.MOHAMMED NAZIR

RESPONDENTS:

---

1. THE MARAVANTHURUTHU GRAMA PANCHAYAT,
MARAVANTHURUTHU, VAIKOM, REPRESENTED BY ITS
SECRETARY.

2. STATE OF KERALA,
REP. BY THE SECRETARY TO GOVERNMENT,
LOCAL SELF GOVERNMENT DEPARTMENT,
GOVERNMENT SECRETARIAT, TRIVANDRUM.

R1 BY ADV. SRI.VARGHESE C.KURIAKOSE
SMT.THANKOM.G
SRI.E.M.MURUGAN
R2 BY GOVT.PLEADER SRI. A.J. MOHAMMED ANZAR.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

- -

WP.(C) No.18744 of 2007

- -

Dated this the 21st day of June, 2007

JUDGMENT

After arguing the matter for some time, learned counsel for the petitioner submits that the petitioner intends to file appeal against Ext.P12 judgment. But he submits that recovery steps are being proceeded with against the hospital. He submits that subject to challenge against Ext.P12, he will pay some amount also.

After hearing learned counsel for the respondents I feel that the petitioner should be permitted to withdraw the writ petition as he seeks to pursue the appellate remedy against Ext.P12 judgment.

The writ petition is dismissed as withdrawn without prejudice to the right of the petitioner to pursue the remedy against Ext.P12 judgment. In the meantime if the petitioner remits a sum of Rs.2,50,000/- within one week from today, the recovery steps will not be continued for a period of three weeks from today.

(K.M. JOSEPH, JUDGE)

sb